APPENDIX A

SEAL/FILED
JAN 21 2005
CATHY CATHERSON CLERK

US COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA; et al., No. 04-56758
Plaintiffs, D.C. No. CV -00-08882-GAF
Central District of California,
Los Angeles

and

MIRO J. SATALICH, JUDGMENT
Plaintiff - Appellant,

v.

CITY OF LOS ANGELES,
Defendant - Appellee.

Appeal from the United States District Court for the Central District of California, Los Angeles.

On consideration whereof, it is now here ordered and adjudged by this Court, the the appeal in nthis cause be, and hereby is DISMISSED for lack of jurisdiction.

Filed and entered Tuesday, November 23, 2004

SEAL/A TRUE COPY 1-14-05
ATTEST
CATHY CATHERSON CLERK
RUBEN TALAVERA
Deputy Clerk

DOCKETED ON CM
JAN 24 2005
BY ___031 191

APPENDIX B

MANDATE

US Court of Appeals for the Ninth Circuit
Case Summary
Court of Appeals Docket #: **04-56758** Filed: 10/7/04
Nsuit: 3360 Other personal injury (Fed)

Satalich, et al v. City of L.A.
Appeal from: Central District of California, Los Angeles

Lower court information:
District: 0973-2 : CV-00-08882-GAF
presiding judge: Gary A. Feess, District Judge

10/7 /04

DOCKETED CAUSE AND ENTERED APPEARANCE OF APLT IN PRO PER & COUNSEL FOR APLE. CADS SENT (Y/N): N. setting schedule as follows: appellant's designation of RT is due 10/4/04; appellee's designation of RT is due 10/12/04; appellant shall order transcript by 10/22/04; court reporter shall file transcript in DC by 11/22/04; certificate of record shall be filed by 11/29/04 appellant's opening brief is due 1/10/05; appellees' brief is due 2/7/05; appellants' reply brief is due 2/22/05; [04-56758] (pg)

1.0/15/04

Filed Appellee City of L.A. 's motion to dismiss the case (for lack of jurisdiction); served on 10/14/04 (to MOATT) [04 -5 6758] (ru) LO/21/04 Filed Appellant Mira J.

Satalich's opposition to appellee's City of L.A. motion to dismiss the case; served on 10/20/04
(to MOATT) [04-56758] (ru)

11/23/04

Order filed: (MOATT) Aple's mtn to dismiss this appeal for lack of jurisdiction is GRANTED (Procedurally Terminated After Other Judicial Action; Jurisdictional Defects. Edward LEAVY, M. M. McKEOWN, Marsha S. BERZON) [04-56758] (mhf) Ll/30/04
Filed Appellant Miro J. Satalich's motion for clarification, & reconsideration mtn for mtn panel rehearing [04-56758] served on 11/29/04 [MOATT] [04-56758] (mhf)

12/29/04

Filed order (Edward LEAVY, M. M. McKEOWN, Marsha S. BERZON):

Appellant's motion for reconsideration of this court's November 23, 2004 order dismissing this appeal for lack of jurisdiction is **denied**. All interlocutory orders may be challenged only in the context of an appeal from a final judgment. See 28 U.S.C. Section 1291. No motions for reconsideration, rehearing, modification, clarification, stay of the mandate or any other submissions shall be filed or entertained in this closed docket. [04-56758] (ru)

1/19/05 MANDATE ISSUED [04-56758] (ru)

APPENDIX C

SEAL/FILED
DEC 29 2004
CATHY CATHERSON CLERK

US COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA; et al., No. 04-56758
Plaintiffs, D.C. No. CV -00-08882-GAF
Central District of California,
Los Angeles

and
MIRO J. SATALICH, ORDER
Plaintiff - Appellant,
v.
CITY OF LOS ANGELES,
Defendant - Appellee.

Before: LEAVY, McKEOWN and BERZON, Circuit Judges

Appellant's motion for reconsideration of this court's November 23,2004 order dismissing this appeal for lack of jurisdiction is denied. All interlocutory orders may be challenged only in the context of an appeal from a final judgment. See 28 V.S.C. § 1291.

No motions for reconsideration, rehearing, modification, clarification, stay of the mandate or any other submissions shall be filed or entertained in this closed docket.

S :\PROSE\panelmemos\reconmemos\Recon 2004 12.04\04-56758.wpd

APPENDIX D

SEAL/FILED
NOV 23 2004
CATHY CATHERSON CLERK

US COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA; et al., No. 04-56758
Plaintiffs, D.C. No. CV -00-08882-GAF
Central District of California,
Los Angeles

and

MIRO J. SATALICH, ORDER
Plaintiff - Appellant,

v.

CITY OF LOS ANGELES,
Defendant - Appellee.

Before: LEAVY, McKEOWN and BERZON, Circuit Judges
Appellee's motion to dismiss this appeal for lack of jurisdiction is granted. See 28 D.S.C. § 1291;United States v. Washington, 573 F.2d 1121 (9th Cir. 1978)
(denial of motion to disqualify judge not appealable)

S:\PROSE\panelords\2004\11.04\November15
04-56758.wpd

APPENDIX E

Excerpts from Docket #165, page 3

"Finally, the Court also wishes to address Relator's repeated objection that the Court's order limiting discovery to the statute of limitations issue does not encompass documents related to proof that payments for the allegedly defective training were made out of federal government grant monies. (8/20/04 Objection at 5; 7/22/04 Objection at 3). Relator's objection reveals a fundamental misunderstanding of what the "statute of limitations" issue in this case represents. Relator's previous attempt at an opposition focused, among other things, on his contention that the proper statute of limitations period for this case is ten years, rather than the six years argued by Defendant. Clearly, the number of years is a valid issue that must be determined, however, that is a legal issue. There is no need for discovery on this point."

"The reason the Court reopened discovery was for the purpose of determining if Relator had any qui tam claims that could possibly survive any applicable statute of limitations. As Relator recognized in his own papers, the statute of limitations period either begins to run on the date a false claim is submitted or on the date payment is actually made. (4/23/04 Opp. at 5). Defendant has submitted evidence to the Court that none of the contracting work that Relator alleges was insufficient was paid. for out of federal funds. Thus, unless Relator can present admissible evidence sufficient to create a triable issue of fact on this point, Relator cannot survive summary judgment regardless of whether the limitations period is six years or ten."

APPENDIX F

September 20, 2004, Appeal Supplemental Page

(#1) The Relator believes District Court Judge V. Phillips reviewing Docket # 166 erred. Although the Relator previously requested Judge Feess to disqualify himself, there were no U. S. statutes mentioned, nor "Affidavits," nor "Certificate of Counsel of Record" filed, and he remained on the case. Besides alleged prejudicial issues against Judge Gary A. Feess, the main issue now as stated within Title 18 U.S.C. § 455 (in part) is: "personal knowledge of disputed evidentiary facts concerning the proceeding."

(#2) The Relator requested a Writ of Mandamus to disqualify District Judge Feess, and;

(#3) The Relator alleges with evidence of USDC Judge Feess contacting an Appellate Judge to transfer case to same Appellate Judge, who had a direct contact with the Defendants, and;

(#4) The Relator requests the Appellate for a Writ of Mandamus directing the USDC-CDCA to enforce FRCP and FRE in CV-00-08882GAF(PLAx) regarding discovery and access to City of Los Angeles public records from the City Controller's Office, with both Federal and State of California grant funds, to be audited, at the expense of the Relator, by a Certified Public Accountant, and;

(#5) As an alternative, because of the length of time the City of Los Angeles has stonewalled and intentionally withheld subpoenaed public records from the City Controllers Office,

from which Federal and State grant funds were supplied, the Relator requested the Appellate for Writ of Mandamus awarding the United States of America, State of California, together with Relator, Default Judgement, and;

(#6) On three different occasions, the Relator filed documents that were withheld, and not entered into the Pacer CM-ECF, supposedly having reached the Court, and;

(#7) The Relator is questioning the legality of USDC - CDCA General Order #244, and General Order 124 used within Title 18 U.S.C. §§ 144, 455, being used twice, by both District Judges Gary A. Feess, and Virginia A. Phillips."

Sign/_____ September 20, 2004

Miro J. Satalich
P.O. Box 93314
Phoenix, Arizona 85070-93314
Tel: 480 283-0355

APPENDIX G

Seal/FILED
CLERK US DISTRICT COURT
SEP 16, 2004
CDCA - EASTERN DIVISION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No CV-OO-8882 GAF (PLAx)

UNITED STATES OF AMERICA
ex reL MIRO J SATALICH
Plaintiff,

v.

THE CITY OF LOS ANGELES
Defendants.

ORDER DENYING PLAINTIFF MIRO J. SATALICH SECOND MOTION TO DISQUALIFY

On September 13, 2004 Plaintiff Mira J Satalich filed a motion to disqualify The Honorable Gary A Feess pursuant to 28 U S C §§144 and 455 This IS the second such motion fIled by Plaintiff, he first filed a Motion to Recuse Judge Feess on August 10, 2001 Insofar as Plaintiff attempts to bnng this Motion under 28 use § 144, It IS barred by the plain language In that section which limits each party to one attempt to disqualify the assigned judge Plalnttff also cites Title 28 use § 455 as a basIs for his motion Section 455(a) provides

DOCKET #168

DOCKETED ON CM
SEP 16 2004

> Any Justice, Judge, or magistrate of the United States shall disqualify himself In any proceeding In which his Impartiality might reasonably be questioned.

The question before this Court IS whether a reasonable person, knowing all the facts, would conclude the trial Judge's Impartiality is subject to question United States v Wilkerson, 208 F 3d 794, 797 (9th Cir 2001) See also U S v Hernandez, 109 F 3d 1450, 1453 (9th Clr 1997), U S v Studley, 783 F 2d 934, 939 (9th Clr 1986)

Here, all of the facts and circumstances would not cause a reasonable person to doubt Judge Feess's Impartiality Plaintiff complains of various rulings issued by Judge Feess, but a Judge's prior adverse ruling does not provide a basis for recusal Id Plaintiff also complains of contact between a Circuit Judge and one of the parties to this case, but does so In .such conclusory and unsupported terms that It is Impossible to ascertain any ground for recusal. Affidavits In support of recusal motions must state material facts with particularity Conclusory assertions of bias are insufficient

Plaintiff has not demonstrated that Judge Feess has shown bias or prejudice for or against any party Accordingly, his Motion to disqualify is denied

Dated September 16, 2004

Signed/Virginia A Phillips
Virginia A Phillips
United States District Judge

APPENDIX H

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

U.S.A. **Seal/filed: Sep 14, 2004**

ex rel. Miro J. Satalich

PLAINTIFF(S),

CASE NUMBER
CV 00-8882 GAF (AIJx)

v.

The City of Los Angeles, et al

DEFENDANT(S).

REFERRAL OF MOTION TO DISQUALIFY
JUDGE/MAGISTRATE JUDGE

A Motion to Disqualify Judge Gary A. Feess was filed on 9/13/04. Pursuant to General Order 224 and General Order 194, this motion is referred to Judge Virginia A. Phillips for determination. Also in accordance with Sections 4.0 and 9.0 of General Order 224, all proceedings will be stayed until the determination of this motion.

CLERK, U. S. DISTRICT COURT

Dated 9/14/04

By Robert R. Nadres
Deputy Clerk

cc: Judge Assigned to Case
Judge Assigned to Hear Motion
Counsel of Record as follows:

Docket #167

CV-54 (08/97)

REFERRAL OF MOTION TO DISQUALIFY
JUDGE/MAGISTRATE JUDGE
ENTERED ON ICMS 9/14/04

APPENDIX I

Miro J. Satalich
P.O. Box 93314
Phoenix, Arizona 85070
(480) 283-0355 Pro se

SEAL/FILED
CLERK U.S. DISTRICT COURT
SEP 13 2004
CDCA
BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

THE UNITED STATES OF AMERICA, and;
THE STATE OF CALIFORNIA, and;
ex rel. MIRO J. SATALICH
Plaintiffs,

vs. CASE No.: CV-00-08882-GAF(PLAx)

THE CITY OF LOS ANGELES
Defendant.

NOTICE TO THE COURT
PLAINTIFF'S NOTICE FOR
JUDGE GARY A. FEESS TO
DISQUALIFY HIMSELF FROM
THIS CASE Under the following:
Title 28 U.S.C. §§ 144, and 455(a)(b)(1)
With Notarized Affidavit and
Certificate of Counsel of Record.
Date filed: August 22, 2000
Time: None
Place: Royball Building Courtroom: 740
The Honorable Gary Allen Feess

DOCKET #166

The Plaintiff notices, moves and request that all proceedings in this matter be vacated from the Court's calendar as per within Order Docket Entry #165. and this case be STAYED until this dispute is resolved. If oral arguments are to be heard. the Court's own discretion.

ORIGINAL

POINTS OF AUTHORITY
FEDERAL STATUTES FOR CAUSE OF JUDGE DISQUALIFICATION
AND CASE REASSIGNMENT

(1) Title 28 U.S.C. § 144 - Bias or prejudice of judge

"Whenever a party to any proceeding in a district coutt makes and files a 'timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. II "The affidavit shall state the facts and the reasons for/he belief that bias -or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith"

Title 28 U.S.C. § 455. - Disqualification of justice, judge, or magistrate judge (in part).

> "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned
> (b) He shall also disqualify himself in the following circumstances:
> (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; "

Refer to Docket Entry #165. Of all of the rulings that have been issued by Judge Gary A Feess, in this case, this is the most partial, prejudicial, obfuscated, and distorted statements of fact to date, and therefore, he should disqualify himself from any further proceedings in this matter.

INTRODUCTION

(2) The Plaintiff is in receipt of Judge Gary A. Feess's Order dated August 30. 2004, Docket #165. Clearly, any reasonable person that has followed, or has read the record will find that you, Judge Feess, from the outset, has displayed contempt and has taken an adversarial role, instead of a neutral impartial judicial role towards the Plaintiff, clearly with the intent bf damaging this case. The Plaintiff did not use the dictionary term or word ulie" in any pleadings filed, or accused this Court of lying. However, after reading, studying, and analyzing Docket #165, and past rulings, you, Judge Feess, are not only prejudicial in this case, but are now attempting to distort the actual record to fact and dates of events, and, yes, Judge Feess,

you are now telling many. many untruths. The Plaintiff has not, nor will ever change his beliefs, that the City of Los Angeles is a **CRIMINAL ENTERPRISE**. Further, that any reasonable person/finder of fact examining the CV-00-08882GAF record, would determine that you, Judge Feess, are aiding and abetting that **CRIMINAL ENTERPRISE**.

(3) True, the Plaintiff is Pro se and admittedly inexperienced in legal matters, and mistake prone. However, the Courts and judicial system were never created to accommodate a labyrinth system controlled by just attorneys and a trap for the less skilled. You, Judge Feess, have displayed an outright contempt for this pro se litigant, and should be ashamed of yourself for being so blatantly divisive and partial. Your total disregard for Title 31 U.S.C. § 3729-33 a Congressional Act, Federal Rules of Civil Procedures, Federal Rules of Evidence, and especially the Code of Judicial Conduct has exposed your partiality and one sided rulings, that being to destroy this case in any way, shape or form. See "***U.S. v. Microsoft*** " and " ***Liljeberg v. Health Services Corp***." and "*Litky v. U.S.* " The question to you, Judge Feess, is: What person, or group affiliated with the City of Los Angeles are you covering up for?

RESTATEMENT OF FACTS

(4) Restatement of Notice filed with the Court on 07/09/2001, see Docket #60.

(a) "The Plaintiff has acquired newly discovered evidence that Judge Harty Pregerson most recently met and spoke with one or more of the Defendants named in the lawsuit outside of the Courtroom. The evidence clearly shows a biased connection and loyalty towards the Defendant, City of Los Angeles."

(b) "It is not clear whether you, Judge Feess, approached Judge Pregerson to have this case transferred, or whether Judge Pregerson made a direct request to you. Either way, it is clearly

a prejudicial act that has caused unwarranted judicial discord towards me, by yourself and/or Judge Harry Pregerson. "
(c) "I cannot begin to emphasize enough, that since the inter-action between yourself and Judge Harry Pregerson in No. 00-08882GAF, I now have cause to believe this case compromised, tainted, and prejudiced towards the Defense. "
(d) "To make such a case transfer, Judge Pregerson had to review the Complaint, pleadings and unsealed evidence. Then, while the case was stayed, Judge Pregerson had a month long opportunity to sift through all of the evidence. He then claims to have declined to accept the case, however, later met with Defendant(s) named in the Complaint Clearly bad judgment, to say nothing against judicial ethics on both your part and Judge Pregerson's."
(e) "To ask for a clarification on a Court's Order is not an unreasonable request, it should be a normal way of doing legal business. However, maybe because I'm Pro se, not with you."
(f) "It is no wonder the City of Los Angeles has comfort in knowing they can operate with impunity, that of not having to respond, or be accountable to the squandering of federal funds, and the pummeling of their employees, because, they are being protected by their own personal Federal Appellate Judge. That in itself, Judge Feess, is outrageous in any u.s. Court of Law, including this one. "
(g) "Pleadings filed into Case # CV 77-3047HP had nothing to do with your Court, then to be admonished for my trying to obtain due process in that case, is absolutely beyond justification, against FRCP, and frankly unfair. That part of this case should have been cleanly "over with." "Default" by any other name, is still "Default" Judge Pregerson did not follow Court procedures by not notifying me, so that "Default Judgment" could be appealed He, instead, backdated documents. Because of that "Default" a "Summary Judgment" was filed into Case # 00-08882GAF. However, you were quick

to reject "Summary Judgment" and for some not so strange and now very explainable protective reason, the City of Los Angeles was not required to respond to either filing."

JUDGE GARY A. FEESS'S PERSONAL BIAS AND PREJUDICE WITHIN DOCKET #165

(5) Refer to Ruling dated June 6,2001, Docket #44. Judge Feess started his prejudicial assault on the Plaintiff by first DENYING the United States Department of Justice to file an Amicus Brief in support of the City being a "person" under the False Claims Act. Next, this paragraph by Judge Feess from Docket #44, page 2, last paragraph:

> "Finally, the Court notes that Plaintiff has bombarded it with various pleadings since the inception of this lawsuit This is unacceptable. Plaintiff shall not file any additional pleadings, .except that contemplated in this Minute Order, until instructed to do so."

Judge Feess erroneously uses the term "Bombarded" with various pleadings." What Pleadings? And, " Plaintiff shall not file any additional pleadings, except that contemplated in this Minute Order, until instructed to do so. "Shall" means mandatory. The Plaintiff has spoken to numerous legal scholars, and has been told, that they have never, ever heard of anything so prejudicial and repressive coming from the bench...any bench...in America! The purpose of our Courts, are to hear all sides, and get to the truth. **Judge Feess. your statement does not serve justice, but obstructs justice, and you're acting as a surrogate for the defense**.

(A) In Judge Feess's Order Docket Entry #165 , he further prejudiced, and obfuscated the Plaintiff's "objections" that were

filed on **July 22, 2004**, Docket Entry # 154, and" IAugUst 20, 2004 and Docket Entry #163, by issuing an Order, in an out of order helter-skelter manner. Refer to Plaintiff's **OBJECTIONS** Dockets #154, and #163, and compare the response order of **Court's Order dated August 30, 2004 Docket # 165.** (8) Refer again to Docket #165. Other than Judge Feess's obfuscation, partiality of facts and events, the Plaintiff cites again another major problem all along as being: **"PROCEEDINGS: (In Chambers)"** . The record clearly shows, tha1all noticed motions, pleadings, court set schedules for oral arguments have been categorically changed, denied, and then have been ruled on in "Chambers" without any oral argument whatsoever. Judge Feess has disrespectfully treated this case as liken to a mail-in-traffic-ticke1 court. Never allowing to ask a question, orto raise a legal question , or be open to any legal discussion. Clearly, "Kafkaesque."

(C) Refer to Docket #165: **"A. Plaintiff's Objections to Docket Entry #157."** In part "Plaintiff objects to the Courts' briefing schedule on three principles: (1) plaintiff does not believe that the Court did not receive his motion for reconsideration when it was filed; (2) defendant is in "default for not ha ving to respond to it,. and (3) he doesn 't like the new schedule. " In response to (1): See Docket Entry #163. **There are more than three principles**, however:

(1) The Plaintiff provided the Court with un controverted proof of properly filing and service thereof of an Original and Duplicate, and to all concerned parties. Once filed with the Court Clerk, the Plaintiff does not have control of where, or how pleadings are directed within the Court's system. The Plaintiff furnished the Court with four methods of proof of service.

(2) Refer to: **FEDERAL RULES OF CIVIL PROCEDURE, IX.** Special Proceedings, Rule 74--Method of Appeal From

Magistrate Judge to District Judge Under Title 28, U.S.C. 636(c)(4) and Rule 73(d). There is absolutely nothing written within **FRCP rule 74** of having to file a "motion" for a Review or Reconsideration." The Plaintiff provided the court with **four methods of proof of service** directed to you, District Judge Gary A. Feess, for Magistrate Paul Abrams ruling :or "Reconsideration" filed on **August 20. 2004** Docket Entry # 163. Therefore, for you Judge Feess to state that "***The Court cannot consider what it never receives***" is not only erroneous, but an untruth. The Court Docket Entry Record and filed documents prove otherwise. Further, the Plaintiff believes that because of his Pro se status, the Court has taken unfair advantage of that fact to be partial in this ruling to deny "reconsideration" instead of the actual time line of actual events, and FRCP, and FRE. **DEFAULT BY ANY OTHER NAME IS STILL DEFAULT.**

(3) "he doesn't like the new schedule." The Plaintiff believes, that again, because of his Pro se status, the Court intentionally set biased, mean spirited and unrealistic response dates, compared to the Defendant. For example see Docket Entry #157 dated August 2, 2004 :

> "(2) Defendant's opposition to Plaintiff's reconsideration is due before Monday, August 16, 2004. Plaintiff may file a reply on or befofe Monday August 23,
> 2004. The hearing date in this matter is set for Wednesday, September 1, 2004 at 9:30 a. m."

Clearly not enough time to analysis, research and respond, and clearly partial and prejudicial to favor the defense.

(A) **Restatement, ¶ (H) of Docket Entry #154.** In part:

> "(H) Due to Cook County v. Chandler case establishing new controlling law, – Plaintiff filed a motion with the Court to reconsider and reinstate CV-00–08882GAF. On August 8, 20003, CV-00-08882GAF was reinstated [see Docket Record #119], however, the City of Los Angeles raised the issue of "statute of limitations." The Court set a time line for discovery. On the concluded date of discovery and production of documents, ***the City was a month* late**, and ***did not produce records*** as subpoenaed, as well as other parties, who were defendants, that were earlier dismissed by the Court and ***who did not comply*** with subpoenas for production of documents. The Plaintiff filed a motion ***to compel*** with the Court ***[see #127, 128, 129, 130]***. The Court denied the motions. However, the established time line remained The Appellant's ***objection*** is that the discovery time line set by the Court left no room to file motions to compel or to be heard, nor did the Court enforce Plaintiff's subpoenas, thereby, denying the Appellant's right to discovery with impunity to the defendants, and the City did not comply with subpoenas and allegedly withheld critically requested evidence. On March 29, 2004 [see Docket Record #132], the Plaintiff filed a " ***Judicial Notice***" with the Court to review and***Reconsider*** Magistrate Judge Paul L. Abrams discovery ruling [see Docket Record #130] of ***March 17, 2004*** denying Plaintiff's motion to compel. The CV-00-08882GAF Court

ignored the " ***Judicial Notice*** ," and "***Reconsideration*** ," clearly after setting unrealistic dates, then being prejudicial to favor the defense."

Restatement of Docket Entry #162. page 3. line #25.

"The Plaintiff further OBJECTS with the amount of time allocated to the Defendant to respond back to the Court, versus the allocated time afforded the Plaintiff. The Court gave the Defendant City of Los Angeles nearly two weeks to address why it hasn't produced, records from the **City Controller** and ***Environmental Trust Fund*** records. In turn, the City will serve the Court on time, however, will make sure to serve the Plaintiff days late, thereby leaving the plaintiff only a few days to respond Again, the Court is being unfair and biased in it's calendaring of replies and responses, clearly giving advantage again to the City."

This is Court was clearly aware of the City Controller as being the only Department that received and disbursed grant funds. The City Attorneys office defends all City departments. Therefore for this Court to side with the City attorney, and the City Controllers Office, and public records being off limits to discovery is a direct affront to the Federal False Claims Act, Federal Rules of Evidence, and to the judicial process. Outrageous. Judge Feess, you are not only setting bad case law, but are aiding and abetting in a cover up of the theft of federal funds.

STATUTE OF LIMITATIONS and EVIDENTIARY ISSUES

(6) The Defendant raised among other issues, "Statute of Limitations." The parties stipulated and agree to discovery. Using Judge Feess's theory, there would be a 90 day bogus narrowed "Statute of Limitations" discovery order issued. The defendant could be allowed to be a month late of the Court's due date with impunity. The Defendant would not be compelled to deliver subpoenaed documents with impunity. The Court would not ho nor it's own Order for discovery and subpoenas issued to the Defendant and to material witnesses. The Defendant would not have to deliver documents from the department that received and disbursed federal grant monies. The Plaintiff responded to the Issue of Statute of Limitations," see Docket Entry #139. The Defendant would raise another issue of contractors not being paid from federal funds, and the Court would knee jerk, set the Statute of Limitations issue aside, and then claim the Plaintiff has had opportunities from the Court to prove the contractors were being paid from federal funds. The Plaintiff files a motion with the Court to have the City Controllers office provide books, records, or documents of monies that were received and disbursed to be examined by a Certified Public Accountant. The Court denies access to those public records, while requiring the Plaintiff to produce proof of records proving federal funds were used to pay contractors. Ridiculous, partial, insulting and an irresponsible act done by federal judge that took an oath to uphold the laws of this country.

CONCLUSION

(7) The Plaintiff believes that besides Judge Feess being biased, extremely prejudicial, and verbally abusive towards the Plaintiff, the record proves he communicated with, and attempted to transfer this case to an Appellate Judge. Besides taking an adversarial partial position in this case, the Plaintiff believes that from the outset, Judge Feess has tainted this case, and the Plaintiff with the Ninth Circuit Court of Appeals. Since the facts in this case are now critical disputed discoverable evidentiary facts, the Plaintiff believes that Judge Feess violated Title 28 U.S.C.. § 144, Title 28 U.S.C. § 455(a)(b)(1), Judicial Canons, and American Bar Association Codes of i Conduct, therefore should disqualify himself, or should be disqualified from this case.

In accordance with Title 28 U.S.C. § 144, the Plaintiff has submitted a notarized **"Affidavit" EXHIBIT - 1**, and "**Certificate of Counsel of Record**" **EXHIBIT - 2** with this Notice to the Court, attached to this pleading. Further, the Plaintiff moves and request all proceedings in this matter be removed from the Court's calendar as per within Order Docket Entry # 165, and this case be STAYED until this dispute is resolved.

Submitted by:

Signed/_____, Date September 9, 2004
Miro J. Satalich

APPENDIX J

Link 133, 150
132, 163 PSend

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. CV 00-08882-GAF (PLAx) Date: August 30. 2004
Title: United States ex rel. Satalich v. City of Los Angeles

The Honorable Gary Allen Feess. Judge

Marilynn Morris **Seal/Docketed on CM** None Present
Courtroom Deputy Sep 1 2004 Clerk Court Reporter
BY____ 005
Attorneys present for plaintiff-Attorneys present for defendant
None Present None Present

PROCEEDINGS: (In Chambers)

The Court recently set a briefing schedule in connection with Plaintiffs motion for, reconsideration of an order issued by the Magistrate Judge in March 2004. Plaintiff has filed a document objecting to Docket Number 157 (the briefing schedule) and 158 (denial of his belated motion to amend). This order responds to these objections, the initial motion for reconsideration of the magistrate's March order, and Plaintiffs pending motion to reopen discovery

A. PLAINTIFF'S OBJECTIONS TO DOCKET ENTRY 157

Plaintiff objects to the Court's briefing schedule on three principle grounds: (1) plaintiff does not believe that the Court did not receive his motion for reconsideration when it was filed;

(2) defendant is in "default for not having responded to it; and

(3) he doesn't like the new schedule. Plaintiffs complaints lack merit. A brief description of the background and the applicable local rules disposes of all of them.

On March 17, 2004, Magistrate Judge Abrams denied Plaintiffs motion to compel certain discovery. (Docket Entry 130). On March 29, 2004, the Court Clerk filed a document styled:

To: The U.S. District Court, The Honorable Gary A. Feess, Judge In-Accordance-with-FRCP-Rule-7-4(a).and;
Federal Rules of Evidence, Judicial Notice Rule 201 (a)(b)(1)(2(d) and;
Title 31 U.S.C. § 3733 Civil Invest. Demands
PLAINTIFF'S REQUEST FOR REVIEW AND RECONSIDERATION OF ORDER DATED: March 17.2004, FOR MOTION TO COMPEL TO:
City of Los Angeles, and; **Docket #165**
Kiewit Pacific, and;
MINUTES FORM 11 CIVIL - GEN -1
Initials of Courtroom Deputy Clerk___

Metcalf & Eddy Services.

(Docket Entry 132). Local Rule 7-4 requires that the first page of a motion contain the date and time of the motion hearing because the hearing date, in turn, triggers the automatic briefing schedule set forth in Local Rules 7-9 and 7-10. Because Plaintiffs filing was not properly noticed, the matter ~as not automatically placed on the Court's calendar. See Local Rule 6-1. Nor was the briefing schedule triggered.. Thus, defendant cannot be in default since no schedule was ever set.

Even though Local Rule 7-4 provides that the Court may decline to consider a filing that is not properly noticed, had the Court received the document or even a courtesy copy of the document, it would have set a proper briefing schedule and hearing date. However, Plaintiff's single duplicate copy was forwarded to the magistrate judge and it did not physically reach this Court. The Court cannot consider what it never receives.

Finally, the Court's briefing schedule provided Plaintiff the standard seven days to file a reply to Defendant's opposition. See Local Rule 7-10. Accordingly, Plaintiff's objection to and his request that the Court reevaluate and reconsider its order setting a briefing schedule in this matter is **DENIED**.

B. PLAINTIFF'S OBJECTIONS TO DOCKET ENTRY 158

Plaintiff also objects to and requests that the Court reevaluate and reconsider a second order issued on August 2, 2004 (Docket Entry 158) denying Plaintiff's belated motion to amend or supplement his complaint. Although Plaintiff should have filed this "request" as a separate motion with a timely hearing date, see Local Rule 6-1, the Court will ignore this defect and consider the motion.

Plaintiff objects to the Court's statement that his complaint contained a "myriad of allegations" as a "denigrating remark." The dictionary indicates that denigrate come from the Latin meaning to defame. A remark cannot be defamatory, however, if true. Considering that the 25-page complaint contains allegations of eavesdropping, entrapment, noncompliance with the amended consent decree, fraud, obstruction of justice, discrimination, harassment, exposure to electrical hazards, and witness tampering, the Court considers

the use of the term "myriad" to be accurate.

Plaintiff also argues that the Court lied when it said that he has been given multiple opportunities to submit evidence in support of his contention that certain contracts were paid out of federal funds. The history of Plaintiffs responses to Defendant's summary judgment motion belies Satalich's attack on the Court. Defendant filed its summary judgment motion on April 12, 2004. After receiving Plaintiffs opposition, which the Court found was insufficient and improperly focused, the Court provided Plaintiff detailed instructions on how to properly oppose the motion and what evidence would be required. (Docket Entry 137). The Court extended Plaintiff nearly a month to file a new opposition opposition However, instead of filing an opposition Plaintiff filed an improper appear to the Ninth Circuit (Docket Entry 138). Further, Plaintiff continually tried to file amended or supplemental complaints containing unrelated allegations, even though the Court had instructed him that such complaints would not be accepted. (Docket Entry 135, 140). After the deadline for filing an opposition came and went, the Court construed Plaintiffs silence as a motion to stay proceedings, which it granted [1] (Docket Entry 142, 147). After the stay was lifted, the Court again extended

> [1] The Court notes that because the mere filing of an appeal does not automatically stay proceedings, Plaintiffs failure to either move for a stay or file an opposition constituted grounds for granting Defendant's motion for summary judgment. See Local Rule 7-12.

Plaintiff ample time to file an opposition. (Docket Entry 148). Although Plaintiff did eventually file an opposition, he has yet to provide actual evidence that a false claim for payment was

submitted to the federal government. Thus, the Court stands by its statement that it "has given Plaintiff multiple opportunities to submit evidence."

For the foregoing reasons, to the extent that the "objection" to Docket No. 158 can be construed as a motion, it is **DENIED**.

Finally, the Court also wishes to address Plaintiffs repeated objection that the Court's order limiting discovery to the statute of limitations issue does not encompass documents related to proof that payments for the allegedly defective training were made out of federal government grant monies. (8/20/04 Objection at 5; 7/22/04 Objection at 3). Plaintiff's objection reveals a fundamental misunderstanding of what the "statute of limitations" issue in this case represents. Plaintiff's previous attempt at an opposition focused, among other things, on his contention that the proper statute of limitations period for this case is ten years, rather than the six years argued by Defendant. Clearly, the number of years is a valid issue that must be determined, however, that is a legal issue. There is no need for discovery on this point.

The reason the Court reopened discovery was for the purpose of determining if Plaintiff had any qui tam claims that could possibly survive any applicable statute of limitations. As Plaintiff recognized in his own papers, the statute of limitations period either begins to run on the date a false claim is submitted or on the date payment is actually made. (4/23/04 Opp. at 5). Defendant has submitted evidence to the Court that none of the contracting work that Plaintiff alleges was insufficient was paid or out of federal funds. Thus, unless Plaintiff can present admissible evidence sufficient to create a triable issue of fact on this point, Plaintiff cannot survive summary judgment

regardless of whether the limitations period is six years or ten.

C. PLAINTIFF'S REQUEST FOR RECONSIDERATION OF DOCKET ENTRY 158

Plaintiff seeks reconsideration of the Court's denial of his motion to file an amended or supplemental complaint in this matter. Plaintiff's position is that the Court failed to follow certain guidelines set in place by Congress for discovery under the False Claims Act ("FCA"), 31 U.S.C. § 3729 et seq. Plaintiff appears to argue that certain provisions of the FCA supplant the Federal Rules - of Civil Procedure. For support, Plaintiff cites to § 3733, which is titled "Civil Investigative Demands." By its explicit terms, this section only applies to civil investigative demands issued by the Attorney General prior to filing a civil action under § 3720 or other false claims law. See 31 U.S.C. § 3733(a)(1). The statute further states: "The Attorney General may not delegate the authority to issue civil investigative demands under this subsection." Id. -

This statute has no application to a motion brought by a private qui tam plaintiff, in an existing civil action, to amend or supplement his complaint pursuant to Rule 15. The Court clearly stated its reasons for denying Plaintiffs motion and declines to further address this issue. Accordingly, Plaintiffs motion for reconsideration is DENIED.

D. PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE MAGISTRATE JUDGE'S MARCH 17.2004 ORDER

On March 17,2004, Magistrate Judge Abrams denied Plaintiffs three motions to compel :j discovery from non-party Kiewit Pacific Co., non-party Metcalf & Eddy, Inc., and

Defendant City of(Los Angeles. The motions were denied without prejudice on procedural grounds for failure to comply with Local Rule 37. In addition, the motions were denied without prejudice on substantive grounds. On March 30, 2004, Plaintiff filed the pending request for reconsideration. Under Federal Rule of Civil Procedure 72(a), a district judge shall consider a party's objections to a nondispositive ruling of a magistrate judge and "shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law."

1. The FCA Does Not Supplant the Federal Rules of Civil Procedure

Plaintiff contends that the magistrate judge "erroneously ruled in it's [sic] ruling based on not taking into account discovery standards set forth within Title 31 U.S.C. 3729 et seq. By Congressional Act, there is a complete section dedicated to discovery, that the Plaintiff believes, trumps parts of discovery rule of the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. Local Rules are not mentioned." (3/29/04 Request at 2). As discussed above, the section of the FCA upon which Plaintiff relies only applies to civil investigative demands by the Attorney General, not to civil actions by qui tam plaintiffs. Thus, Plaintiffs motion for reconsideration on this ground is DENIED.

2. Plaintiffs Third-Party Subpoenas Are Unenforceable

Plaintiffs motions to compel production of documents from non-parties MetCalf and Kiewit were denied for failure to comply with Federal Rule 45. For the reasons discussed below, Plaintiffs motion for consideration of this portion of the March 17th order is DENIED. Plaintiff contends that although Metcalf

and Kiewit "were summarily dismissed for one thing or another by this Court, the dismissals should not have given them a pass from being future material witnesses or providing evidence, nor did it give a green light to purposely destroy evidence." (3/29/04 Request at 2). As an initial matter, Plaintiff has misstated the history of this litigation. Plaintiffs FCA claims against these entities were dismissed over three years ago without prejudice for failure to plead fraud with the requisite particularity. (Docket Entry 59). The Court extended Plaintiff 60 days to file an amended complaint against these parties. (Id.). Plaintiff did not appeal this order and although Plaintiff did file an amended complaint, he only named the City of Los Angeles as a Defendant. (Docket Entry 71). Thus, it was Plaintiff, not the Court, that decided not to pursue this litigation against Metcalf and Kiewit. Because Metcalf and Kiewit are not parties to this litigation, the magistrate judge properly ruled that Plaintiffs requests for production of documents from these entities must comply with Federal Rule 45. See FED. R. CIV. PROC. 34(c). Although Plaintiff did not attach the contested subpoenas, he appears to concede that his subpoenas did not comply with Rule 45. Plaintiffs argument is that section 3733 of the FCA excuses him from complying with Rule 45 and that he should not have to "go through the additional steps of subpoenas issued by other District Courts outside of the present venue to obtain discovery of acts the [sic] were allegedly committed in this venue." (3/29/04 Request at 2). As stated above, Plaintiff is incorrect. Neither Kiewit nor Metcalf is a party to this litigation and they have no obligation to voluntarily respond to improper discovery requests. Because this Court lacks the authority to compel compliance with a subpoena seeking the production of documents located outside of the Central District of California. see FED. R. CIV. PROC. 45(a), the magistrate ta judge's order was neither clearly erroneous nor contrary to law. Accordingly, Plaintiff's motion for reconsideration is **DENIED**.

3. Defendant Has Complied With Its Discovery Obligations

Plaintiff's motion to compel discovery from Defendant City of Los Angeles was denied because the magistrate judge found that Defendant had satisfied its obligations under the Federal Rules. As to this ruling, Plaintiff has submitted his "comments." (3/29/04 Request at 5). For example, he queries: "Why would the Plaintiff go through all of this work, expense, and take up Court time seeking a Motion to Compel, if there wasn't an underlying problem? In all appearances the Court just doesn't want to believe the Plaintiff, and has quoted the Defendant in it's [sic] ruling." (Id.).

Although such comments are not a proper ground for reconsideration, after reviewing Defendant's detailed response it appears that Plaintiff is attempting to compel the production of documents that do not exist. Plaintiff seeks documents related to the Hyperion Wastewater Treatment Plant, a significant public works project. dating back nearly twenty years. After reviewing Defendant's responses to Plaintiff's requests, as well as its explanation as to how it searched for responsive documents, the Court finds that the magistrate judge's ruling was not erroneous.

Plaintiff does not dispute that Defendant produced for Plaintiff's inspection seventeen binders of billing records. Plaintiff also does not dispute that he, in fact. inspected these documents and was freely allowed to copy from the binders. Plaintiff argues that he should be allowed direct access to the City Controller's records and that he should be provided with records from a certain "Environmental Trust Fund." However, Plaintiffs requests for production named the City of Los Angeles and did not specifically seek records from any particular source. [2] An example request is: "Any and all

DOCUMENTS which relate to. or reflect upon. Kiewit Pacific Company's request(s) for payment(s} of money to the CITY, for its services concerning the Hyperion Wastewater Treatment Plant, between January 1, 1987, and the present."
(Opp. Ex. 1 at 3). Although Defendant objected to this and similar requests as being vague and over broad, Defendant also stated that "to the extent the request for production seeks documents relevant to the subject matter of the present litigation and to the statute of limitations issue to which the court has limited discovery, Defendant City of Los Angeles will comply with the request for production and will permit the requested inspection. (Id.).

Plaintiff admits that through subsequent faxes and phone calls he attempted to direct Defendant where to look for documents. (Reply at 5). However, Defendant was not obliged to simply hand over the City Controller's records or records of any particular department. Rather, Defendant was obliged to review records in its possession, custody, and control to determine if any were responsive to Plaintiff's formal discovery requests or if, pursuant to Rule 26(a}(B), any of the documents could be used to support Plaintiff's claims. The Court agrees with the magistrate that Ms. Mowery was qualified to perform the required review and that Plaintiff has not produced any evidence to substantiate that Ms. Mowery filtered out responsive documents before producing the documents for Plaintiffs inspection.

> [2] The Court notes that at the time this discovery was propounded, Plaintiff was represented by counsel

Moreover, although Defendant responded that it would not produce privileged documents, to date, Defendant has not

chosen to withhold any documents due to privilege. Thus, Plaintiff's objection that Defendant improperly asserted privilege is inaccurate. (Reply at 3). In addition, Defendant's responses to Plaintiffs interrogatories and requests for production are proper under1he applicable Rules and Plaintiff fails to explain why he deems them to be "unacceptable and in contempt of Court." (Id. at 3). To the extent that Plaintiff is objecting to Defendant's decision to respond to his interrogatories by providing him with direct access to the requested billing records, under these circumstances Defendant is permitted to answer by producing its business records for Plaintiff's inspection. See FED. R. CIV. PROC. 33(d). To the extent that Plaintiff objects to Defendant's. decision to limit its review to Hyperion projects that were at least partially funded through state or federal grant monies, the Court agrees that this limitation on scope is appropriate. Plaintiffs remaining claim in this litigation is that Defendant submitted false claims for payment to the federal government. Records related to self.funded projects, i.e. projects that were not paid for out of grant funds or that did not involve the submission of claims for payment to the federal government, are simply not within the scope of this litigation nor within the scope of the limited discovery ordered by this Court.

For the reasons set forth above, Plaintiffs motion for reconsideration of the magistrate judge's March 17, 2004 order is **DENIED**.

E. PLAINTIFF'S MOTION TO REOPEN DISCOVERY

Plaintiff also has pending a motion to reopen discovery. Plaintiff's arguments for reopening discovery are based upon many of the same contentions set forth in his motion for reconsideration of the magistrate judge's March 17th order, namely that Defendant has been "stonewalling." (Mot. to

Reopen at 3). For support, Plaintiff asks the Court to "examine and assess" a February 8, 1988 letter referencing a contract between Defendant and Metcalf to develop training for the Hyperion plant. (Id. Ex. G-5). Plaintiff appears to take the position that because the bills related to this contract were not included in the discovery provided to Plaintiff, Defendant has not complied with its discovery obligations. Plaintiff contends that this letter is proof that "Metcalf & Eddy was a Training sub contractor as outlined in the Complaint and, in fact, was awarded for starters, as shown, $10,053,733." (Id. at 4).

However, the primary issue in this litigation is not whether Metcalf was a subcontractor on the Hyperion training project, but whether Metcalf was paid for its services out of federal funds. The letter clearly states that the project was to be initially funded through bonds and then the Wastewater Capital Improvement Program - not the federal government or federal government grant funds (or even the "Environmental Trust Fund" that Plaintiff often references). Defendant is only obligated to produce documents related to training contracts that were funded, at least in part, by the federal government Because Plaintiff has not shown that the contract referenced in the 1988 letter was even partially federally funded, the letter does not provide good cause for modifying the Court's scheduling order and reopening discovery. Accordingly, Plaintiffs motion is **DENIED**.

In addition, the Court hereby places Defendant's pending summary judgment motion back on calendar. Plaintiff may file a new opposition on or before Monday, September 27,2004. Defendant may file a reply on or before Monday, October 4, 2004. The .hearing in this matter will take place on Monday, October 18,2004 at 9:30 a.m.

IT IS SO ORDERED.

APPENDIX K

SEAL/ENTERED SEAL/FILED
Aug 14, 2001 CDCA-EASTERN DIVISION Aug 14, 2001

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV-00-08882 GAF (AIJx)–

UNITED STATES OF AMERICA,
ex rel. MIRO J. SATALICH Plaintiff
v.
THE CITY OF LOS ANGELES, et al. Defendants.

ORDER DENYING PLAINTIFF MIRO J. SATALICH'S MOTION TO DISQUALIFY

On August 10, 2001 Plaintiff Miro J. Satalich filed a Motion to disqualify Judge Gary A. Feess pursuant to 28 U.S.C. §§144 and 455.

The standard for recusal is whether a-reasonable person with knowledge of all the facts would conclude that the Judge's impartiality might reasonably be questioned." United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986) (citations omitted). The alleged prejudice must result from an extrajudicial source. Id. A judge's prior adverse ruling does not provide a basis for recusal. Id. SEAL/ENTER ON ICMS AUG 1 4 2000I

DOCKET #62

In support of a motion for recusal, Plaintiff must file an affidavit stating the facts and the reasons for the belief that bias or prejudice exists." 28 U.S.C. §144. Plaintiff has filed no such affidavit but instead presents conclusions about the alleged prejudice and bias of Judge Feess. In any event, the assertions in his Motion, even 1f submitted in the form of an affidavit, would be insufficient . Affidavit in support of recusal motions must state material facts with particularity. Conclusory assertions of bias are insufficient.

Plaintiff has not demonstrated that Judge Feess has shown bias or prejudice for or against any party. Accord1ngly, his Motion to disqualify Judge Feess is denied.

Dated: August 14, 2001 Signed/_____

VIRGINIA A. PHILLIPS
United States District Judge

APPENDIX L

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

U.S.A. **Seal/filed: Aug 10, 2001**

ex rel. Miro J. Satalich

PLAINTIFF(S),

CASE NUMBER
CV 00-8882 GAF (AIJx)

v.

The City of Los Angeles, et al

DEFENDANT(S).

REFERRAL OF MOTION TO DISQUALIFY
JUDGE/MAGISTRATE JUDGE

A Motion to Disqualify Judge Gary A. Feess was filed on 7/11/01. Pursuant to General Order 224 and General Order 194, this motion is referred to Judge Virginia A. Phillips for determination. Also in accordance with Sections 4.0 and 9.0 of General Order 224, all proceedings will be stayed until the determination of this motion.

CLERK, U. S. DISTRICT COURT

Dated 8/10/01 By Deputy Clerk

cc: Judge Assigned to Case
Judge Assigned to Hear Motion
Counsel of Record as follows:

Docket #61

CV-54 (08/97)
REFERRAL OF MOTION TO DISQUALIFY
JUDGE/MAGISTRATE JUDGE
ENTERED ON ICMS 8/10/01

APPENDIX M

Miro J. Satalich
4125 Lorraine Road
Rancho Palos Verdes California 90275
(310) 514-3013 Pro se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CASE No. CV-00-08882-GAF(AIJx)
THE UNITED STATES OF AMERICA, and;
THE STATE OF CALIFORNIA, and;
ex rel. MIRO J. SATALICH
Plaintiffs,

v.

THE CITY OF LOS ANGELES, and;
METCALF & EDDY SERVICES, and;
KIEWIT PACIFIC CO. and;
MARIE C. SCULLY, PRES. MCS GROUP
Defendants.

PLAINTIFF REQUEST
JUDGE GARY A. FEESS
DISQUALIFY HIMSELF
FROM THIS CASE

Time: 9:30 a.m.
Place: Royball Building
Courtroom: 740
The Honorable Gary Allen Feess

Docket No: #60

REQUEST FOR DISQUALIFICATION OF JUDGE - ORIGINAL CAUSE OF JUDGE DISQUALIFICATION AND CASE REASSIGNMENT

(1) The Plaintiff, Miro J. Satalich, requests that Judge Gary Allen Feess disqualify himself based on all of the following facts:

(a) The Plaintiff has acquired newly discovered evidence that Judge Harry Pregerson most recently met and spoke with one or more of the Defendants named in the lawsuit outside of the Courtroom. The evidence clearly shows a biased connection and loyalty towards the Defendant, City of Los Angeles.

(b) It is not clear whether you, Judge Feess, approached Judge Pregerson to have this case transferred, or whether Judge Pregerson made a direct request to you. Either way, it is clearly a prejudicial act that has caused unwarranted judicial discord towards me, by yourself and/or Judge Harry Pregerson.

(c) I cannot begin to emphasize enough, that since the inter-action between yourself and Judge Harry Pregerson in No. 00-08882GAF, I now have cause to believe this case compromised, tainted, and prejudiced towards the Defense.

(d) To make such a case transfer, Judge Pregerson had to review the Complaint, pleadings and unsealed evidence. Then, while the case was stayed, Judge Pregerson had a month long opportunity to sift through all of the evidence. He then claims to have declined to accept the case, however, later met with Defendant(s) named in the Complaint. Clearly bad judgment, to say nothing against judicial ethics on both your part and Judge Pregerson's.

(e) To ask for a clarification on a Court's Order is not an unreasonable request, it should be a normal way of doing legal business. However, maybe because I'm Pro se, not with you.

(f) It is no wonder the City of Los Angeles has comfort in knowing they can operate with impunity, that of not having to respond, or be accountable to the squandering of federal funds, and the pummeling of their employees, because, they are being protected by their own personal Federal Appellate Judge. That in itself, Judge Feess, is outrageous in any U.S. Court of Law, including this one.

(g) Pleadings filed into Case # CV 77-3047HP had nothing to do with your Court, then to be admonished for my trying to obtain due process in that case, is absolutely beyond justification, against FRCP, and frankly unfair. That part of this case should have been cleanly "over with." "Default" by any other name, is still "Default." Judge Pregerson did not follow Court procedures by not notifying me, so that "Default Judgment" could be appealed. He, instead, backdated documents. Because of that "Default," a "Summary Judgment" was filed into Case # 00-08882GAF. However, you were quick to reject "Summary Judgment," and for some not so strange and now very explainable protective reason, the City of Los Angeles was not required to respond to either filing.

(2) Therefore, I am requesting that you disqualify yourself and that this case be placed on hold (stay) until assigned to another Judge.

Submitted by:

Signed/_____ Date: July 10, 2001
Miro J. Satalich

APPENDIX N

Excerpts from United States District Court, Central District of California, General Order # 244

4.0 MOTION TO DISQUALIFY A JUDGE

If a motion is made to disqualify a judge in any civil case assigned to the judge pursuant to this General Order, the motion shall be referred to the Clerk for assignment to another judge in the same manner as cases are assigned pursuant to this General Order. The judge to whom the motion is assigned shall promptly determine whether the motion is timely filed and is legally sufficient to require a hearing on the disqualification.

If the judge determines that the motion is not timely filed or that the motion is legally insufficient, the motion will be denied and the case shall proceed as originally assigned. If the judge determines that the motion is timely and legally sufficient, the matter will be set down for hearing or other determination at the earliest time practicable. The judge against whom the motion has been filed shall not proceed with the case until the motion has been heard and determined.

If the judge denies the motion, that case shall proceed as originally assigned. If the motion is granted the case shall be returned to the Clerk for assignment in the same manner as an original case assignment as provided in this General Order.

4.1 MOTION TO DISQUALIFY - CREDIT FOR HEARING MOTION

The judge to whom a motion to disqualify has been assigned shall receive no case credit.

4.2 MULTIPLE MOTIONS TO DISQUALIFY

If more than one motion to disqualify the same judge is made in the same case or in related or consolidated cases before the same judge, the assignment and transfer of all such motions subsequent to the first motion shall be to the judge who determined the initial motion to disqualify.

APPENDIX O

STAMP/FILED
JAN 22 1981
CLERK USDC
CDCA

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALI FORNIA

In the-Matter of
LOCAL RULES GOVERNING
DUTIES OF MAGISTRATES

GENERAL ORDER NO. 194-E

IT IS HEREBY ORDERED that the Local Rules Governing Duties of Magistrates which are included as an attachment to General Order No. 194, entitled "In the Matter of Assignment of Duties to Magistrates" be amended by adding the following sections:

3.5 If a motion is made to disqualify a magistrate pursuant to 28 U.S.C. §§ 144 or 455 in any civil matter assigned to the magistrate, the motion shall be referred to the judge to whom the civil matter is assigned for determination. The magistrate shall not proceed with the matter until the motion has been heard and determined. I f the judge denies the motion, the case shall proceed as originally assigned. I f the motion is granted, the case shall be returned to the Clerk for assignment to a magistrate in the same manner as the original assignment.

4.3 MOTION TO DISQUALIFY MAGISTRATE If a motion is made to disqualify a magistrate pursuant to 28 U.S.C. §§ 144 or 455 in any criminal matter assigned to the magistrate, it shall be handled in the same manner as

provided for in civil matters in Rule 3.5 of these Rules.

Dated: January 21, 1982

SIGNED/

Andrew Hauk, Chief Judge	Laughlin E. Waters
William P. Gray	Mariana R. Pfaelzer
Manual P. Real	Terry J. Hatter
Robert J. Kelleher	A. Wallace Tashima
William Matthew Byrne Jr.	David B. Kenyon
Lawrence T. Lydick	Consuelo B. Marshall
Malcolm M. Lucas	Cynthia Holcomb Hall
Robert M. Takasuga	